

Report to  
Legislative Council Rules Clearinghouse  
NR 860, Wis. Adm. Code  
Natural Resources Board Order No. DG-34-10

Wisconsin Statutory Authority

Sections 227.11(2)(a), 281.346(4s), 281.346(5), and 281.346(9), Stats.

Federal Authority

N/A

Court Decisions Directly Relevant

None

Analysis of the Rule – Rule Effect – Reason for the Rule

This rule supports the implementation of 2007 Wisconsin Act 227 and the Great Lakes—St. Lawrence River Basin Water Resources Compact (Compact) by defining the process, requirements, and criteria for water use permitting in the Great Lakes basin. Beginning on December 8, 2011, coverage under a general permit or an individual permit is required for all persons who withdraw water from the Great Lakes basin in an amount that averages 100,000 gallons per day or more in any 30-day period.

The rule establishes definitions, permit application information requirements, permit review time limits, required permit conditions, criteria for permit issuance, procedures for amending and terminating permits, and standards and procedures for public participation for the water use permitting program.

This rule will affect small businesses that supply their own water with water supply systems that withdraw an average of 100,000 gallons per day. Small businesses, like other entities that are affected by this rule, will have to obtain a permit, measure the amount of water used on a monthly basis, and report that water use annually. Small businesses that receive water solely from a public water supply will not be impacted by this rule. Most small businesses regulated by this rule are expected to fall within the general permit category. The general permit requirements are straightforward and can be accomplished by most individuals with no specific professional background. The application for an individual permit may require the hiring of a professional environmental consultant to assist with the evaluation of impacts from a proposed withdrawal.

Agency Procedures for Promulgation

Public hearings, Natural Resources Board final adoption, followed by legislative review.

Description of any Forms (attach copies if available)

None

Name and Telephone Number of Agency Contacts

Kristy Rogers, Bureau of Drinking Water & Groundwater (608) 266-9254  
Eric Ebersberger, Bureau of Drinking Water & Groundwater (608) 266-1722  
Judy Ohm, Bureau of Legal Services (608) 266-9972  
Linda Haddix, Bureau of Legal Services (608) 266-1959

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